

EXHIBIT A
(Declaration of Colin Gerstner)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re: TALEN ENERGY SUPPLY, LLC, <i>et al.</i>, Debtors.	: : : : : : : : : :	Chapter 11 Case No. 90054 (MI) (Jointly Administered)
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**DECLARATION OF COLIN GERSTNER IN SUPPORT OF
BURNETT PLAINTIFFS' MOTION TO ALLOW LATE-FILED CLAIMS**

I, Colin Gerstner, hereby declare under penalty of perjury:

1. I am an attorney of record for the plaintiff in *Burnett, et al. v. Talen Montana, LLC, et al.*, Montana Sixteenth Judicial District Court, Rosebud County, Cause No. DV 20-58.

2. Before the above-captioned bankruptcy proceedings commenced, my office submitted the Fourth Amended Complaint in the *Burnett* action. Over the course of the amended complaints, several individual plaintiffs have been added and removed. In the Fourth Amended Complaint, there are 97 individual plaintiffs, some of whom are married couples and relatives.

3. My office received a large number of Proof of Claim forms that appeared to be addressed to each of the plaintiffs in the *Burnett* action, both present and past plaintiffs.

4. My office completed each proof of claim form received for each claimant. We had assumed that we received a proof of claim form for each individual plaintiff named in the Fourth Amended Complaint.

5. My office was mistaken. My office did not realize we had not received proof of claim forms for the following 16 individuals who were named in the Fourth Amended Complaint:

- a. Phillip and Deb Baney
- b. Jeff and Debi Benson
- c. Shauna Borge
- d. Leo Connor
- e. Terry Currier
- f. Larry and Debra McTaggart
- g. Amanda Rosado
- h. Ranoda Rosado
- i. Shea Rosado
- j. Allan Violet
- k. Vivian Waples
- l. Scott and Lissa White

6. Because my office mistakenly assumed that all of the 97 individual plaintiffs received proof of claims in the mail, my office failed to submit claims on behalf of the above-named 16 individuals.

7. My office did not realize our mistake until we were advising our clients, the *Burnett* Plaintiffs, on voting on the Plan. That is when we realized that we did not receive Ballots for Voting to Accept or Reject the Joint Chapter 11 Plan of Talen Energy Supply, LLC and Its Debtor Affiliates (“Ballots”) for the above-named individuals. We reviewed and double-checked our records, and that is when we realized that we mistakenly did not submit proofs of claims for the above-named individual named *Burnett* Plaintiffs.

8. This was our mistake, not our clients’ fault; and our clients, the *Burnett* Plaintiffs, should not be denied their claims as named plaintiffs in the *Burnett* action.

Dated this 10th of January, 2023.

GERSTNER ADAM LAW PLLC

/s/ Colin Gerstner

Colin Gerstner